IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.62331-M of 2006
Date of Decision : October 12, 2006

Mamta Rani & Another.

.....PETITIONER(S)

VERSUS

State of Punjab.

.....RESPONDENT(S)

. . .

CORAM:- HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT:- Mr. H.S. Brar, Advocate, for the petitioners.

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AJAI LAMBA, J. (Oral)

The petitioners through this petition seek directions for protection of their life and liberty. The petitioners allegedly got married against the wishes of their parents. In the contention of learned counsel for the petitioners, there is a reasonable apprehension of threat from respondent Nos.4 and 5. The Hon'ble Supreme Court of India taking serious note of such instances in Lata Singh Versus State of U.P. & Another, JT 2006(6) SC 173 has observed in the following terms:-

> "7. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation

unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence

> either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.
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> 8. We sometimes hear of `honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism."

Considering the facts of the case and the observations made by the Hon'ble Supreme Court, direction is issued to the Senior Superintendent of Police, Gurdaspur i.e. respondent No.2 to treat a copy of this petition as an application and have an enquiry conducted. If the circumstances so warrant, adequate security would be provided to the petitioners so as to ensure protection of their life and liberty.

Disposed of.

(AJAI LAMBA)
JUDGE

OCTOBER 12, 2006
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